IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

WA.No. 2111 of 2007

AGAINST THE JUDGEMENT IN WPC.17694/2007 Dated 16/07/2007
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APPELLANT: PETITIONER IN WPC:

K.P.MAYIN, KURUDAMPOYIL HOUSE,
P.C.PALAM P.O., NARIKKUNI (VIA), KOZHIKODE.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS: RESPONDENTS IN WPC:
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1. THE REGIONAL TRANSPORT OFFICER,
KOZHIKODE.

2. THE DEPUTY TRANSPORT COMMISSIONER,
NORTH ZONE, KOZHIKODE.

3. THE TRANSPORT COMMISSIONER,
THIRUVANANTHAPURAM.

BY SR.GOVERNMENT PLEADER MR.MOHAMMED RAFIQ

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 24/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & V.K.MOHANAN, JJ.

W.A.No.2111 of 2007

Dated, this the 24th day of August, 2007

JUDGMENT

Radhakrishnan, J.

Heard learned counsel on either side.

2. The learned Single Judge has rightly dismissed the writ petition. This is a case in which the Deputy Transport Commissioner, Kozhikode passed an order dated 8.8.2005 upholding the steps taken by the Regional Transport Officer, Kozhikode to realise tax arrears due in respect of the stage carriage KL 11 Q 6044 for the period from 1.4.2004 to 30.9.2004. Aggrieved by that order the appellant filed a revision petition before the Transport Commissioner by Ext.P3 which was also dismissed by Ext.P5 order dated 25.4.2007 stating that the same was belated.

3. In such circumstances, we are of the view that the orders have become final. Therefore, this Court is not justified in exercising its jurisdiction under Article 226 of the Constitution of India. All the same, learned counsel for the appellant submitted that the appellant is prepared to pay the entire amount due in instalments.

4. Considering the entire facts and circumstances of the case, we are inclined to permit the appellant to pay the entire amount due in six equal monthly instalments starting from 1.9.2007. If any default is committed in paying any of the instalments, the

respondents are at liberty to recover the entire amount due in accordance with law. We make it clear that if the appellant pays fifty per cent of the amount due, the vehicle will be released to him and the balance amount as directed above has to be paid.

Writ appeal is disposed of as above.

K.S.RADHAKRISHNAN, JUDGE

V.K.MOHANAN, JUDGE

vns